



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

November 15, 2016

Jeff Koerner
Interim Director
Division of Air Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Rd., M.S. 5500
Tallahassee, Florida 32399-2400

Dear Mr. Koerner:

On October 13, 2016, the Region 4 Office of the U.S. Environmental Protection Agency received the Florida Department of Environment Protection Division's prehearing proposal responding to the EPA's June 12, 2015, final State Implementation Plan (SIP) call and finding of substantial inadequacy with respect to the treatment of excess emissions during periods of startup, shutdown and malfunction (SSM). We have completed our review of the submittal and offer comments in the enclosure.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Ms. Lynorae Benjamin, Chief, Air Regulatory Management Section at (404) 562-9040, or have your staff contact Ms. Tiereny Bell at (404) 562-9088.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Scott Davis".

R. Scott Davis
Chief
Air Planning and Implementation Branch

Enclosure

cc: Preston McLane, Florida Department of Environment Protection

**The U.S. Environmental Protection Agency Comments on
Florida's Prehearing Submittal Addressing the SSM SIP Call**

I. General Comments

1. Footnote 4 of the Executive Summary of Florida's proposed SIP revision states:

The new rule section, Rule 62-210.710, F.A.C., details a process whereby facilities that are subject to SIP-based emission limits that may not be appropriate or achievable during transient modes of operation, such as during periods of startup or shutdown, can receive secondary emission limits that will be applicable during those periods. Rule 62-210.710, F.A.C., is not, however, proposed to be incorporated into Florida's SIP at this time.

Because Rule 62-210.710, F.A.C., is not proposed to be incorporated into Florida's SIP at this time, the EPA is not providing specific comments on its merits. However, the EPA would like make the following general comments:

- (1) Any emission limitation established as an alternative to an existing SIP emission limitation must be developed consistent with the EPA's SSM SIP policy and would have to be incorporated in the State's implementation plan and would not be effective for SIP purposes until it has been incorporated into the State's implementation plan, and
- (2) If Florida decides in the future to incorporate Rule 62-210.710, F.A.C., into its federally approved SIP, a provision will be needed that clarifies that an alternative limitation established via the process in Rule 62-210.710, F.A.C., does not replace an otherwise applicable SIP limit until the EPA approves the alternative limitation as a source-specific SIP revision.

2. The Detailed Statement of Facts and Circumstances Justifying the Proposed Rule states:

The net effect of the sunset clause and the addition of the new [state-only] rule will be that sources unable to meet the applicable SIP emission limit during a transient mode of operation will have adequate time to develop and have incorporated into their operating permit a secondary emission limit prior to the sunset of Subsections 62-210.700(1) and (2), F.A.C.

For sources subject to the title V operating permit program, please note that any emission limitation established as an alternative to an existing SIP emission limitation that has not yet been incorporated in the State's SIP would have to be identified in the title V permit as not being federally enforceable under the Clean Air Act, in accordance with 40 CFR 70.6(b)(2).

3. Proposed provision 62-210.700(6)(a), F.A.C., states that as of May 22, 2018, provisions 62-210.700(1) and (2), F.A.C., shall not apply to emission limits in Chapter 62-296, F.A.C., that have been or become incorporated into the SIP. Please clarify whether this provision, plus those covered under paragraph (6)(b), cover all SIP limits for which the sunseting of provisions 62-210.700(1) and (2), F.A.C., should apply.

4. Proposed provision 62-210.700(6)(b), F.A.C., states that as of May 22, 2018, provisions 62-210.700(1) and (2), F.A.C., shall not apply to unit-specific emission limits that have been or become incorporated into the SIP. Please clarify why this provision should apply only to “unit-specific” limits.
5. Proposed provision 62-210.700(7), F.A.C., states that provisions 62-210.700(1) and (2), F.A.C., shall not apply to unit-specific emission limits established after October 23, 2016, pursuant to the State’s New Source Review permitting rules. Please clarify why this provision should apply only to “unit-specific” limits.